

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GLORIA NIEVES and EMILIO NIEVES,	:	CIVIL ACTION
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	Number: 06-123 (GMS)
ACME MARKETS, INC., a Delaware corporation	:	
d/b/a Acme Markets No. 7816, ACME MARKETS,	:	JURY TRIAL DEMANDED
INC., a Delaware Corporation d/b/a Acme Markets	:	
No. 7836, ACME MARKETS, INC., a Pennsylvania	:	
Corporation, d/b/a Acme Markets No. 7816,	:	
ACME MARKETS, INC., a Pennsylvania	:	
Corporation d/b/a Acme Markets No. 7836,	:	
	:	
Defendants.	:	

**DEFENDANT'S MOTION IN LIMINE TO EXCLUDE THE DDOL'S MARCH 18, 2005
LETTER TO DEFENDANT AND FINAL DETERMINATION AND RIGHT TO SUE
NOTICE**

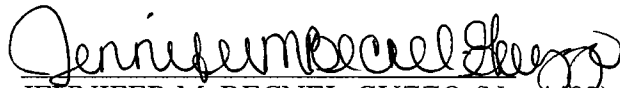
Defendant, Acme Markets, Inc., hereby moves this Court for an Order precluding Plaintiffs, Gloria Nieves and Emilio Nieves, from introducing the Delaware Department of Labor's March 18, 2005 Letter to Defendant and Final Determination and Right to Sue Notice issued on March 31, 2005. Both documents should be excluded from trial because:

1. Both documents are inadmissible hearsay under Rule 801 and Rule 802, and do not fall within the Rule 803(8)(C) hearsay exception because they lack trustworthiness; and
2. Both documents are significantly more prejudicial than probative under Rule 403.

In support of this Motion, defendant relies on the reasons set forth in the accompanying Opening Brief in Support of its Motion and the Appendix.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC



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Attorneys for Defendant,

Acme Markets, Inc.

Dated: May 22, 2007

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GLORIA NIEVES and EMILIO NIEVES,	:	CIVIL ACTION
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d/b/a Acme Markets No. 7816, ACME MARKETS,	:	JURY TRIAL DEMANDED
INC., a Delaware Corporation d/b/a Acme Markets	:	
No. 7836, ACME MARKETS, INC., a Pennsylvania	:	
Corporation, d/b/a Acme Markets No. 7816,	:	
ACME MARKETS, INC., a Pennsylvania	:	
Corporation d/b/a Acme Markets No. 7836,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this _____ day of _____ 2007, upon consideration of Defendant's Motion in Limine to Exclude the Delaware Department of Labor's March 18, 2005 Letter to Defendant and Final Determination and Right to Sue Notice, and any opposition thereto, it is hereby **ORDERED** that said Motion is **GRANTED**.

IT IS SO ORDERED

The Honorable Gregory M. Sleet

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	:	
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No. 7836, ACME MARKETS, INC., a Pennsylvania	:	
Corporation, d/b/a Acme Markets No. 7816,	:	
ACME MARKETS, INC., a Pennsylvania	:	
Corporation d/b/a Acme Markets No. 7836,	:	
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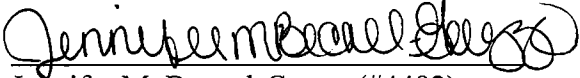
CERTIFICATE OF SERVICE

I, Jennifer M. Becnel-Guzzo, hereby certify that on May 29, 2007, I electronically filed Defendant Acme Markets, Inc.'s Motion In Limine to Exclude the DDOL's March 18, 2005 Letter to Defendant and Final Determination and Right to Sue Notice, along with supporting opening brief with the Clerk of Court using CM/ECF, and also served two copies, via first class mail, postage prepaid, to:

Gloria and Emilio Nieves
625 Village Drive
Middletown, Delaware 19709

I further certify that on May 22, 2007, Plaintiff's former counsel, Biggs & Battaglia, received a copy of Defendant's Motion in Limine and supporting opening brief.

BUCHANAN INGERSOLL & ROONEY PC

BY: 

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Attorneys for Defendant Acme Markets, Inc.

May 29, 2007